

09/673871

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Alexandre MARTI, Norbert LANGE, Matthieu
ZELLWEGER, Georges WAGNIERES, Hubert
VAN DEN BERGH, Patrice JICHLINSKI and
Pavel KUCERA
Filed : with an effective filing date April 22, 1999
For : SOLUTION FOR DIAGNOSING OR TREATING
TISSUE PATHOLOGIES
Docket : NITROS P146US

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

By way of preliminary amendment, please amend the above identified application as set forth below.

In the Claims:

Please cancel original claims 1-9, as well as any Chapter II amended claims, in favor of new claims 10 -18 as follows.

10. A 5-aminolevulinic acid ester (E-ALA) solution for producing a pharmaceutical preparation used in the diagnosis and/or treatment of tissue and/or cell lesions with local irradiation using a beam emitted by a source of light energy, which is followed, in the case of diagnosis, by detecting the fluorescence emitted by substances to which 5-aminolevulinic (ALA) or E-ALA acids are precursors, particularly protoporphyrin IX (PpIX), characterized in that the concentration C of ALA (E-ALA) ester in the solution is lower than 1% and ranges from 0.01% to 0.5%.

11. The solution according to claim 10, wherein the ALA (E-ALA) ester is ALA (h-ALA) hexylester.

12. The solution according to claim 10, wherein the solution is produced by dissolving ALA ester in a solvent compatible with the human or animal organism.

13. The solution according to claim 12, wherein said solvent is selected from the following substances: sterilized filtered water, physiological NaCl solution, phosphate buffer solution, alcohol.